

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 08-5837(DSD/JJK)

Herbert Louis Carter, Jr.,
Petitioner,

v.

ORDER

Timothy Wengler,
Respondent.

This matter is before the court upon petitioner's pro se objections to the October 28, 2008, report and recommendation of Magistrate Judge Jeffrey J. Keyes. In his report, the magistrate judge recommends that this 28 U.S.C. § 2241 habeas corpus action be summarily dismissed for lack of jurisdiction.

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C); D. Minn. LR 72.2(b). After a de novo review, the court finds that the report and recommendation of the magistrate judge is well reasoned and correctly disposes of petitioner's motion. Therefore, the court adopts the report and recommendation [Doc. No. 11] in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's petition for a writ of habeas corpus [Doc. No. 1] is denied;
2. Petitioner's motion for leave to proceed in forma pauperis [Doc. No. 2] is denied;

3. Petitioner's motion for an evidentiary hearing [Doc. No. 3] is denied;

4. Petitioner's motion to strike and supplement certain of his filings [Doc. No. 16] is denied as moot; and

5. This action be summarily dismissed without prejudice for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 23, 2008

s/David S. Doty
David S. Doty, Judge
United States District Court